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LAW OF THE SEA: LARGE-SCALE PELAGIC DRIFT-NET FISHING AND ITS IMPACT ON THE LIVING MARINE RESOURCES OF THE WORLD'S OCEANS AND SEAS; UNAUTHORIZED FISHING IN ZONES OF NATIONAL JURISDICTION AND ITS IMPACT ON THE LIVING MARINE RESOURCES OF THE WORLD'S OCEANS AND SEAS; AND FISHERIES BY-CATCH AND DISCARDS AND THEIR IMPACT ON THE SUSTAINABLE USE OF THE WORLD'S LIVING MARINE RESOURCES

Report of the Secretary-General

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I. INTRODUCTION

1. The General Assembly, at its fiftieth session, in resolution 50/25 of 5 December 1995, took note of the reports of the Secretary-General on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas (A/50/553) and on unauthorized fishing in zones of national jurisdiction and its impact on the living marine resources of the world's oceans and seas (A/50/549), as well as the report of the Food and Agriculture Organization of the United Nations (FAO) on fisheries by-catch and discards and their impact on the sustainable use of the world's living marine resources (A/50/552, annex).

2. In the same resolution, the General Assembly, expressing deep concern about continuing reports of activities inconsistent with the terms of Assembly resolution 46/215 1/ of 20 December 1991 and unauthorized fishing inconsistent with the terms of its resolution 49/116 of 19 December 1994, and, while recognizing the efforts that international organizations and members of the international community had made to reduce by-catch and discards in fishing operations, urged all authorities of members of the international community to take greater enforcement responsibility to ensure full compliance with resolution 46/215 and to impose appropriate sanctions against acts contrary to the terms of that resolution. The Assembly also called upon States to take the responsibility to adopt measures to ensure that no fishing vessels entitled to fly their national flags fished in areas under the national jurisdiction of other States unless duly authorized by the competent authorities of the coastal State or States concerned and that such authorized fishing operations should be carried out in accordance with the conditions set out in the authorization.

3. The General Assembly further urged States, relevant international organizations and regional and subregional fisheries management organizations and arrangements to take action to adopt policies, apply measures, collect and exchange data and develop techniques to reduce by-catch, fish discards and post-harvest losses consistent with international law and relevant international instruments, and called upon development assistance organizations to make it a high priority to support efforts of developing coastal States, in particular the least developed countries and the small island developing States, to improve the monitoring and control of fishing activities and the enforcement of fishing regulations. In addition, the Assembly requested the Secretary-General to bring the resolution to the attention of all members of the international community, relevant intergovernmental organizations, the organizations and bodies of the United Nations system, regional and subregional fisheries management organizations, and relevant non-governmental organizations with a view to providing him with information relevant to the implementation of the resolution, and to submit to it at its fifty-first session a report on further developments relating to the implementation of resolutions 46/215, 49/116 and resolution 49/118 of 19 December 1994, taking into account the information thus provided.

4. Accordingly, the Secretary-General sent a note verbale to all members of the international community, drawing their attention to the relevant provisions of resolution 50/25. Letters were also addressed to relevant intergovernmental organizations, specialized agencies of the United Nations, organizations and

bodies of the United Nations system, as well as regional and subregional fisheries management organizations and arrangements, and relevant non-governmental organizations. In response, the Secretary-General has received a number of submissions and comments. He wishes to express his appreciation for all the contributions.

5. The present report, which takes into account such contributions, is submitted to the General Assembly in response to the request contained in resolution 50/25.

II. LARGE-SCALE PELAGIC DRIFT-NET FISHING AND ITS IMPACT ON THE LIVING MARINE RESOURCES OF THE WORLD'S OCEANS AND SEAS

A. General

1. Information provided by States

6. In its reply of 10 June 1996 to the Secretary-General, Colombia 2/ stated that it did not conduct large-scale pelagic drift-net fishing, emphasizing that the Government of Colombia supported the moratorium on large-scale drift-net fishing because it was in the common interest of the conservation of over-exploited fish stocks, birds and marine mammals caught incidentally by those practices.

7. In its submission to the Secretary-General dated 10 June 1996, Qatar 3/ informed him that there were no vessels belonging to Qatar that currently used large-scale pelagic drift-nets.

8. In its reply to the Secretary-General dated 18 June 1996, Maldives 4/ stated that it was opposed to any form of large-scale pelagic drift-net fishing on the high seas. It further indicated that the use of such nets was prohibited in the waters under the national jurisdiction in the Maldives.

9. In its response of 21 June 1996 to the Secretary-General, Saudi Arabia 5/ indicated that although Saudi fishing agencies did not use large-scale pelagic drift-nets, assurances had already been given that such nets were not used in fishing on the high seas or in the Kingdom's territorial sea or its economic zone.

10. In its reply to the Secretary-General dated 28 June 1996, Italy 6/ informed him that in circular 60707 of 16 April 1996, it had reiterated the ban on keeping on board or conducting fishing activities with drift-nets greater than 2,500 metres in length. The ban had been introduced by Ministerial Decree of 22 May 1991, modified by the Ministerial Decree of 6 August 1991 and extended by Court of Cassation sentence No. 12310 of 1995. It further indicated that inspection measures, along with legislative measures for more severe penalties, were under consideration by the Italian authorities.

11. In its response of 28 June 1996 to the Secretary-General, New Zealand 7/ stated that it remained opposed to large-scale pelagic drift-net fishing and attached great importance to the full implementation of the global moratorium in

accordance with resolution 46/215. New Zealand also indicated that it was aware of reports of continued drift-net fishing in other areas and wished to express its deep concern about such reports, and to urge all countries to direct their fishing industries to comply fully with the global moratorium. It therefore welcomed the decision taken by the General Assembly at its fiftieth session to urge authorities of members of the international community to take greater enforcement responsibility to ensure full compliance with resolution 46/215 and to impose appropriate sanctions, consistent with international law, against acts contrary to the terms of the resolution.

12. In its submission to the Secretary-General dated 2 July 1996, Mauritius 8/ indicated that it did not allow pelagic drift-net fishing in its waters and had banned the landing or trans-shipment of fish caught by drift-nets in its harbours pursuant to its Drift-net Act of 1992.

13. In its reply of 2 July 1996 to the Secretary-General, Norway 9/ informed him that a ban had been put in place by its authorities in respect of large-scale pelagic drift-net fishing on the high seas.

14. In its response of 10 July 1996 to the Secretary-General, Morocco 10/ indicated that it had established since 1992 rules regulating the use of large-scale drift-nets, including the number of nets allowed aboard fishing vessels as well as the length of such nets.

15. In its submission to the Secretary-General dated 10 July 1996, Spain 11/ stated that since 1990 it had prevented its vessels from engaging in large-scale pelagic drift-net fishing in any area of the seas, thereby strongly enforcing the prohibition and encouraging the use of selective fishing gear. In addition, it had supported in international forums the banning of the use of that kind of gear because of its effect on non-target species, cetaceans and marine mammals.

16. In its reply of 22 June 1996 to the Secretary-General, Kuwait 12/ informed him that it supported an end to all indiscriminate and environmentally damaging fishing, whether carried out within or beyond its territorial sea. Kuwait further indicated that it did not have a national fleet operating on the high seas, and it worked through competent governmental agencies for the protection and development of local fish stocks, focusing its attention on the types of fishing nets used in zones under its national jurisdiction, in order to stop environmental pollution and ensure better management of its fishing grounds. In addition, it had adopted several measures aimed at ending the use of nylon drift-nets which, despite the existence of laws forbidding the use of such nets, continued to aggravate the depletion of fish stocks and impede their development by becoming lost at sea. Consequently, work was being done to develop an alternative type of net made of fibres that would be less damaging to the marine environment.

17. In its response to the Secretary-General dated 25 July 1996, Tunisia 13/ stated that it had recently adopted an executive order which prohibited the use of large-scale pelagic drift-nets greater than 2.5 kilometres in length.

18. In its response to the Secretary-General dated 29 July 1996, South Africa 14/ informed him that regulations banning the use of drift-nets in South

African waters, prohibiting vessels visiting South African ports from carrying such nets and banning their use on the high seas by South African citizens had become law in 1988. It added that South Africa was therefore committed to continuing its efforts to actively enforce the global moratorium on all large-scale pelagic drift-net fishing on the high seas.

19. In its submission of 7 August 1996 to the Secretary-General, the United States of America 15/ provided the following information:

"...

"As a principal sponsor of General Assembly resolution 46/215, as well as resolutions 44/225 (1989) and 45/197 (1990), and supporter of decisions 47/443 (1992), 48/445 (1993), 49/436 (1994) and resolution 50/25 (1995), the United States takes a particular interest in the effective and full implementation of a global moratorium on large-scale pelagic drift-net fishing on the high seas in the light of the adverse impacts such fishing has upon the world's living marine resources.

"The United States firmly believes that the best available scientific evidence demonstrates the wastefulness and potential ecosystem-scale negative impacts of large-scale pelagic drift-net fishing on the high seas. The United States believes that it was appropriate that the General Assembly, in recognition of the unacceptable impacts of large-scale pelagic drift-net fishing on the high seas, called upon all members of the international community to ensure that a global moratorium on all large-scale pelagic drift-net fishing on the high seas be fully implemented by 31 December 1992 in resolution 46/215.

"The United States attaches great importance to compliance with resolution 46/215 and has taken measures individually and collectively to prevent large-scale pelagic drift-net fishing on the high seas. It has called upon all members of the international community to implement and comply with the resolution. In addition, the United States has urged all members of the international community, intergovernmental organizations, non-governmental organizations and scientific institutions with expertise in living marine resources to report to the Secretary-General any activity or conduct inconsistent with the terms of resolution 46/215.

"Since 1990, it is unlawful under the Magnuson Fishery Conservation and Management Act (the Magnuson Act) for any United States national or fishing vessel to engage in large-scale drift-net fishing in any area under the fisheries jurisdiction of the United States or beyond the exclusive economic zone of any nation.

"The Drift-net Act Amendments of 1990, and more recently the High Seas Drift-net Fisheries Enforcement Act, enacted in November 1992, made it the stated policy of the United States, among other things, to implement resolution 46/215, and secure a permanent ban on the use of destructive fishing practices, in particular large-scale drift-nets, by persons or vessels fishing beyond the exclusive economic zone of any nation. Additionally, the Act provides for the denial of port privileges for any

large-scale drift-net fishing vessel and for a prohibition on the importation of certain products from any nation whose nationals or vessels conduct large-scale drift-net fishing beyond the exclusive economic zone of any nation.

"On 8 March 1993, the United States announced plans to promote observance of the global moratorium on large-scale pelagic drift-net fishing on the high seas, including steps the United States intends to take in the event United States enforcement authorities have reasonable grounds to believe that any foreign flag vessel encountered on the high seas is conducting, or has conducted, large-scale pelagic drift-net fishing operations inconsistent with resolution 46/215. United States enforcement officials will follow established procedures for determining flag-State identity or registration and will take law-enforcement actions in conjunction with the flag State and consistent with the 1982 United Nations Convention on the Law of the Sea. Under customary international law and United States law, a vessel considered stateless and found to be conducting large-scale pelagic drift-net fishing operations on the high seas is subject to penalty in the United States.

"Since submission of its reports to the Secretary-General in June 1995, the United States has taken a number of steps to implement the General Assembly's resolutions and decisions on large-scale pelagic drift-net fishing on the high seas.

"...

"Under a Memorandum of Understanding between the United States departments of Transportation, Commerce and Defense, signed 11 October 1993, the United States will utilize the surveillance capabilities of the Department of Defense to locate and identify vessels suspected of violating resolution 46/215. Formal procedures for communicating vessel positions to the Department of Commerce, the Coast Guard and concerned Governments have been established.

"The United States continues to attach extreme importance to compliance with resolution 46/215 and encourages all members of the international community to take measures to prohibit their nationals and vessels from undertaking any activity contrary to the terms of resolution 46/215 and to impose appropriate penalties against any that may undertake such activities."

2. Information provided by international organizations

(a) Specialized agencies of the United Nations

20. In its reply to the Secretary-General dated 19 July 1996, FAO 16/ submitted the following report:

"...

"FAO members do not report specifically to the Organization whether their nationals are engaged directly in large-scale drift-net fishing. Although information is sought, by means of questionnaires, on the composition of members' fishing fleets, there is a low response rate.

"Status of large-scale pelagic drift-net fleets

"There have been no reports of flag-vessels from Asian States and entities using large-scale pelagic drift-net fishing gear in the 1995/96 period. Policies put in place in the early 1990s by the Asian distant-water fishing nations and entities to decommission vessels with large-scale pelagic drift-net fishing gear have been successful. These distant water fishing nations and entities are to be commended for their efforts in addressing this issue.

"France has enforced European Community Council regulation 345/92, which limits the length of drift-nets to 2.5 km per vessel, thereby abiding by the European Community law and the United Nations international moratorium. However, Greenpeace International has reported that a Spanish fleet of vessels, with large-scale pelagic drift-nets of about 7 km in length, has been operating in the Alboran sea in the Mediterranean.

"Italy's fleet of large-scale pelagic drift-net vessels, totalling about 650 vessels, remains in existence and has commenced fishing for the 1996 season. The fleet targets swordfish in the Mediterranean sea on a seasonal basis. The Italian fishermen maintain that operating in this fishery is not viable unless they can utilize large-scale pelagic drift-nets of at least 9 km in length. The fishermen have therefore requested the Government to authorize the use of such nets or to compensate fishermen if they are required to abandon the fishery.

"The Italian General Directorate of Fisheries has submitted a compensation plan to the Government involving a compensation package for fishermen of 100 billion lire. No decision has been reached on whether the plan will be implemented by the Government. The plan would eliminate the Italian large-scale pelagic drift-net fishery.

"In the United States, non-governmental organizations have brought a case against the Department of State for not taking appropriate action against Italy, under the 1992 High Seas Drift-net Fisheries Enforcement Act, for the continued use of large-scale pelagic drift-nets. The United States Government has initiated action in line with the provision of the 1992 Act. The consequences for Italy, if it fails to implement the required measures to terminate fishing with large-scale pelagic drift-nets by the Italian fleet before 28 July 1996, include a possible embargo on the import of seafood of Italian origin into the United States. Currently, this trade is valued at approximately US$ 1.2 billion per year.

"If the Italian compensation plan for the large-scale pelagic drift-net fleet is implemented, action must be taken by the Government to prevent the movement of this gear from Italy to countries in the southern Mediterranean Sea. According to Greenpeace International, there is a real risk that this could happen if Italy opts to abide by General Assembly resolution 46/215 and European Community Council regulation 345/92.

"...

"Conclusion

"On the basis of information available to FAO, the incidence of large-scale pelagic drift-net fishing in contravention of General Assembly resolution 46/215 and subsequent resolutions declined marginally in the 1995/96 period. Currently, the major area for large-scale pelagic drift-net fishing is the Mediterranean Sea, with vessels being predominantly of Italian flag or origin."

(b) Organs, organizations and programmes of the United Nations

21. In its response of 6 May 1996 to the Secretary-General, the United Nations Conference on Trade and Development indicated that it had no comments on resolution 50/25.

3. Information provided by non-governmental organizations

22. In its reply to the Secretary-General dated 28 June 1996, the Federation of Japan Tuna Fisheries Cooperative Associations 17/ stated that, while it understood that the United Nations had a number of important roles to play in international forums, its most active role should be the establishment of the framework and the coordination of opposing interests where there was no mechanism to reconcile such interests and when conflicts of those interests occurred. Fortunately, the United Nations had established several agencies and entities under its competence to cope with the ever diversifying problems of the world. The Federation was of the view that such agencies had competence, expertise and human resources to manage and solve specific issues effectively. In the field of fisheries, it was FAO that had such expertise and resources. Moreover, regional organizations and arrangements had been established to manage particular fishing activities. Those organizations had been established in order to avoid a heavy concentration of roles in the United Nations and to pursue more efficient problem-solving mechanisms. Therefore, specific issues such as those considered in resolution 50/25 were better dealt with by more appropriate entities in the United Nations system and the role of the United Nations should be limited to establishing a broader framework to utilize the system in a more effective manner.

23. As to the relationship between drift-net fishing and General Assembly resolution 50/24 of 5 December 1995 on the Agreement for the Implementation of the Law of the Sea Convention, provisions relating to straddling and highly

migratory fish stock conservation and management, the Federation believed that the validity of resolution 50/25 banning drift-net fishing on the high seas should only be questioned from the viewpoint of the compatibility of conservation and management measures, both within areas of national jurisdiction and beyond, which had been established as a principle in the 1995 Agreement on straddling fish stocks and highly migratory fish stocks. Therefore, it hoped that the United Nations would this year approach that issue from such a perspective.

B. Review by region

1. Atlantic Ocean

(a) Information provided by States

24. No States have reported any activities involving large-scale pelagic drift-net fishing in any high seas areas of the Atlantic Ocean.

(b) Information provided by specialized agencies of the United Nations

25. In its submission to the Secretary-General, FAO reported that the FAO Fishery Committee for the Eastern Central Atlantic (CECAF) had indicated that there had been no reports of large-scale pelagic drift-net fishing in the CECAF area during 1995/96.

(c) Information provided by regional and subregional fisheries organizations and arrangements

26. In its report to the Secretary-General dated 24 April 1996, the International Commission for the Conservation of Atlantic Tunas (ICCAT) 18/ provided the sections of the Proceedings of the Fourteenth Regular Meeting of ICCAT held in Madrid in November 1995 relevant to large-scale drift-net fishing and its effects on tuna stocks. The proceedings indicate that, although member States subscribed to the General Assembly resolutions banning drift-net fishing on the high seas, there was no agreement regarding the actual effects of drift-nets on the environment or the size of drift-nets that could be harmful to the ecosystem.

27. In its reply of 11 June 1996 to the Secretary-General, the North-East Atlantic Fisheries Commission (NEAFC) 19/ stated that no use of large-scale pelagic drifts was made in the areas of high seas within the NEAFC Convention area for fish species to which the Convention related.

28. In its response of 18 June 1996 to the Secretary-General, the Northwest Atlantic Fisheries Organization (NAFO) 20/ informed him that there was no large-scale pelagic drift-net fishing in the NAFO Regulatory Area.

29. In its submission to the Secretary-General dated 22 July 1996, the North Atlantic Salmon Conservation Organization (NASCO) 21/ indicated that it was not

aware of any activities within the area covered by its establishing Convention which would be inconsistent with resolution 46/215.

(d) Information provided by non-governmental organizations

30. In its reply of 1 July 1996 to the Secretary-General, Greenpeace International 22/ informed him that, in response to the violent conflicts in which traditional albacore fishermen were opposed to drift-netters in the North-east Atlantic, fishery had been subject to stricter control by the European Commission and the European Union member States concerned. The European Commission "Report on the Enforcement of Community Legislation concerning the Use of Drift-nets in 1995 in the North-east Atlantic and the Mediterranean" concluded that the "costs incurred by member States throughout the season were both considerable and disproportionate given the level of participation by fishing vessels using drift-nets and the economic value of the quantities landed", thus raising the question as to how long the European Union would sustain such levels of control and enforcement in order to ensure the respect of Union legislation.

2. Baltic Sea

(a) Information provided by States

31. In its response to the Secretary-General dated 3 July and 18 September 1996, Finland 23/ considered it important that the European Union Council regulations on the matter be reformed, given the fact that long drift-nets caught varying quantities of protected undersized species as by-catches, such as dolphins and other marine mammals and turtles. It nevertheless was of the view that there was no need for a drift-net ban in the closed Baltic brackish water basin because studies had shown that undersized species were not caught in salmon drift-nets in the Baltic, and in addition, such a ban would put an almost complete end to fishing of salmon beyond coastal waters.

3. Indian Ocean and Asia-Pacific region

(a) Information provided by regional and subregional fisheries organizations

32. In its reply of 24 June 1996 to the Secretary-General, the Asia-Pacific Fishery Commission (APFIC) 24/ informed him that there was no more large-scale pelagic drift-net fishing in the Asia-Pacific region, as recommended by the General Assembly in its resolution 46/215.

4. Mediterranean Sea

(a) Information provided by States

33. The United States informed the Secretary-General that it had held consultations with Italy and the European Union concerning reports of drift-net

activity in the Mediterranean Sea by Italian nationals and vessels. As a result of those consultations, an agreement was reached under which Italy had committed itself to take a variety of measures to effectively end large-scale high seas drift-net fishing by Italian nationals. The United States had worked extensively with Italy on this issue and was confident that the measures to be undertaken by Italy would accomplish the goals of the United Nations moratorium on high seas drift-net fishing. It added that central to the steps Italy planned to take was a fishing vessel conversion programme, to be funded jointly by Italy and the European Union. Through that programme, Italian drift-net fishing vessels would either be retired from fishing activity or converted to operate in other fisheries. The conversion plan would be scheduled to start before the beginning of the 1997 fishing season.

34. In its submission to the Secretary-General dated 10 July 1996, Morocco 25/ stated that, with respect to the implementation of the global moratorium on large-scale pelagic drift-net fishing on the high seas, it had established since 1992 provisions governing the use of this type of gear, including the number and length of nets authorized on board fishing vessels.

(b) Information provided by specialized agencies of the United Nations

35. FAO indicated that there had been reports of fishing with large-scale pelagic drift-nets in the Mediterranean Sea, although the General Fisheries Council for the Mediterranean (GFCM) had advised it that there had been no complaints from members concerning fishing with such nets in the 1995/96 period.

(c) Information provided by non-governmental organizations

36. Greenpeace International reported that large-scale pelagic drift-nets continued to be used in the Mediterranean Sea. The biggest fleet was still the Italian one, with more than 600 licensed boats. Other Mediterranean countries might be developing their fleets and/or buying nets from Italy. Despite some efforts by the European Commission to ensure effective enforcement by European Union member States of the legislation on drift-nets, Italian drift-netters had continued to operate with large-scale nets, longer than the legal maximum length of 2.5 km, established by EU Council Regulation (EEC) No. 345/92 amending Council Regulation (EEC) No. 3094/86.

37. According to the Greenpeace submission, in its 1995 report on inspections in the Mediterranean Sea, the European Commission noted that there were problems with respect to compliance with European Union legislation in the Mediterranean and that the level of enforcement undertaken by Italian authorities was far from sufficient. Despite this, Italian authorities had not substantially increased enforcement measures and only a few of the vessels operating illegally had been arrested. The first sightings of Italian vessels using large-scale high seas drift-nets in the western Mediterranean were reported by Spanish fishing boats from Cartagena, Carboneras and Xabia, as early as in March 1996. Since then, more vessels had been sighted periodically. At the end of May 1996, the European Commission patrol vessel Northern Desire spent a few days controlling the Balearic Sea zone and, according to Greenpeace information, it found illegal

Italian drift-netters. At the same time, illegal drift-netters fishing in international waters off Milos island in the Aegean Sea were reported by Greek authorities to the European Commission. Between 16 May and 25 June 1996, the Northern Desire inspected 16 Italian drift-net vessels on the high seas. Of these, 15 vessels were found using illegal nets. During a control at sea by the Italian Coast Guard, 44 vessels were sent back to the harbour of Lipari (Sicily) for further investigation. It was found that 33 of them had been using illegal nets.

38. Greenpeace further noted that its observers had also documented drift-net activities in Italian harbours, inter alia, in Sardinia and Sicily. All the vessels sighted had on board nets far longer than 2.5 km. According to Greenpeace observers, some vessels had even more nets on board than last year, as evidenced by available photo documentation. On 28 and 30 June and 1 July, five sperm whales were found entangled in drift-nets 20 to 24 miles off the coast of Mallorca. That type of incident had been repeated for years. On 1 July 1996, the European Commission disclosed results of its inspection trip in the Mediterranean this year. According to the Commission, inspections only confirmed continued widespread illegal drift-net fishing by Italian fleets and the Commission suggested that those operations were in contravention of General Assembly resolution 46/215 and subsequent decisions with respect to drift-net fishing. According to artisanal Italian longliners, illegal drift-net operations occurred in the central Mediterranean. Other local Mediterranean fishermen had reported large-scale high seas drift-nets in both the eastern and the western Mediterranean.

39. Greenpeace further stated that, considering the lack of control in international waters of the Mediterranean, it was very likely that fleets from other countries used illegal large-scale drift-nets. According to an Italian Government report, vessels from Japan, the Republic of Korea, Morocco, Tunisia, Turkey, Algeria, Malta and Albania were currently using high seas drift-nets in the Mediterranean Sea. A parliamentary written question to the European Commission from the Liberal Group of the European Parliament on 6 June 1996 referred to Italian drift-net vessels having been reflagged to Croatia, Albania and Cyprus. Greenpeace thus concluded that, despite the few steps taken by the European Commission to ensure enforcement of European Union legislation, the situation of drift-net fishery in the Mediterranean Sea remained similar to previous years. European Union drift-net fleets and in particular the Italian fleet continued to violate resolution 46/215.

5. Pacific Ocean

(a) Information provided by States

40. Canada 26/ reported that during 1995 it had conducted several surveillance overflights in the North Pacific as part of its cooperative enforcement programme with other members of the North Pacific Anadromous Fish Commission. The cooperation of Canada, Japan, the Russian Federation and the United States in implementing that moratorium on large-scale high seas drift-net fishing and the provisions of the North Pacific Anadromous Stocks Convention had clearly

contributed to the virtual elimination of drift-net fishing in the North Pacific Ocean.

41. The United States informed the Secretary-General that the United States Coast Guard and the National Marine Fisheries Service had continued to carry out enforcement and surveillance activities in 1995 in the North Pacific Ocean in areas of former large-scale drift-net fishing to monitor compliance with the drift-nets moratorium. Coast Guard cutters logged 93 vessel-days at sea and Coast Guard aircraft flew 294 hours in conjunction with the 1995 drift-net monitoring programme. In addition, 212 vessel-days were available for response to specific incidents.

42. On 10 July 1995, according to the United States, in response to information received from United States fishermen, a Coast Guard aircraft had located and filmed a stateless vessel conducting high seas drift-net fishing operations in the North Pacific Ocean. Following a five-day pursuit by a Coast Guard cutter, the fishing vessel was boarded, seized and taken under tow to Guam. In Guam the vessel's master, a citizen of Taiwan Province of China, was charged under the Magnuson Act for refusing to allow authorized officers to board his vessel for inspection; he was sentenced to six months in jail, received an $8,000 fine, and forfeiture action was brought against the vessel. Furthermore, since the master, the first mate and the engineer of the stateless vessel were citizens of Taiwan Province of China, the latter's fisheries authorities and Ministry of Justice Investigation Bureau undertook an investigation of the incident. The United States also cooperated with Taiwanese authorities in July 1996, when a Taiwanese flag fishing vessel was observed conducting high seas drift-net operations by a United States Coast Guard cutter in the North Pacific Ocean. The fishing vessel was monitored by the cutter until Taiwanese enforcement vessels arrived. After a joint boarding, Taiwanese authorities took custody of the fishing vessel and accepted an evidence package from the United States. Taiwan Province of China had indicated that it planned to investigate the matter and, if the evidence warranted, to prosecute fully those responsible.

43. The United States further reported that under the terms of a Memorandum of Understanding dated 3 December 1993, the United States and China were working together to ensure effective cooperation and implementation of resolution 46/215 in the North Pacific; the agreement remained in effect until December 1996. It allowed enforcement officials of either country to board and inspect vessels flying the flag of the other country in the North Pacific Ocean which were found using or equipped to use large-scale high seas pelagic drift-nets. The agreement also provided for enforcement officials of either country to ride on high seas drift-net fishery enforcement vessels of the other country. During 1996, the United States Coast Guard would have on board Chinese officials on three high seas fishery enforcement patrols. One of those patrols would also be conducted jointly with an enforcement vessel from the Russian Federal Border Service. A similar operation was conducted with Japan in June 1996. The Coast Guard's high seas enforcement plan for 1996 would allocate resources at levels consistent with 1995. Coast Guard air patrols would be coordinated with similar enforcement efforts by Canada to provide maximum patrol-area coverage.

44. New Zealand stated that there had been no drift-net activity within areas under its jurisdiction over the past 12 months. It also noted that the Forum

Fisheries Agency had confirmed that it had received no reports of large-scale pelagic drift-net fishing in the South Pacific over the past year. It also reiterated its call for all countries eligible to do so to support fully the Convention for the prohibition of fishing with long drift-nets in the South Pacific and its two protocols.

(b) Information provided by specialized agencies of the United Nations

45. FAO reported that the Inter-American Tropical Tuna Commission (I-ATTC) and the South Pacific Forum Fisheries Agency (FFA) had informed it that there had been no reports of fishing with large-scale pelagic drift-nets in their respective areas of competence in 1995/96.

(c) Information provided by subregional and regional fisheries organizations and arrangements

46. The South Pacific Commission (SPC) 27/ stated that it had no information indicating that large-scale pelagic drift-net fishing had occurred in the South Pacific since the adoption of resolution 46/215.

6. Antarctica

Information provided by specialized agencies of the United Nations

47. FAO reported that the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) had informed it that the Commission had agreed in its resolution 7/IX that there would be no expansion of large-scale pelagic drift-net fishing into the high seas areas of the Convention area. Since its adoption in 1990, no cases of activities or conduct inconsistent with the terms of that resolution had been reported to the Commission within the CCAMLR area.

III. UNAUTHORIZED FISHING IN ZONES OF NATIONAL JURISDICTION AND ITS IMPACT ON THE LIVING MARINE RESOURCES OF THE WORLD'S OCEANS AND SEAS

A. Information provided by States

48. Canada stated that since May 1994 all fishing activities undertaken by its vessels outside zones under its national jurisdiction, including high seas and zones under the national jurisdiction of other States, ought to be authorized by it. The regulations were introduced, inter alia, to allow Canada to become party to the FAO Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas. It also pointed out that Canadian regulations went further than the FAO Agreement, which required States to authorize all high seas fishing but was silent as to fishing activities being conducted in zones under the national jurisdiction of other States. Those regulations therefore allowed Canada to ensure compliance by Canadian fishing vessels with applicable conservation and management measures

wherever they operated, including areas subject to the fisheries jurisdiction of other States.

49. Colombia stated that it granted authorization and fishing permits to vessels flying its flag when they intended to carry out fishing activities only in zones under the national jurisdiction of Colombia or on the high seas.

50. Qatar informed the Secretary-General that, in accordance with its legislation, it granted fishing licences only to masters of vessels that were owned by nationals of Qatar and, under the terms of such licences, they were permitted to fish in zones under national jurisdiction. In addition, foreign fishing vessels were permitted to engage in fishing activities in zones under national jurisdiction only after obtaining a licence from the Qatar authorities.

51. Maldives indicated that it did not have any vessels fishing in any areas other than those that were under its national jurisdiction.

52. Saudi Arabia stated that vessels flying its flag were allowed to fish on the high seas or in zones under the national jurisdiction of other States only after obtaining authorization to do so from the competent authorities of the Kingdom or from the State in whose zones they would intend to fish. It further indicated that foreign fishing activities in zones under its national jurisdiction without proper authorization were subject to fines and penalties.

53. Italy reported that it had reiterated to its port authorities and professional organizations the requirement to respect domestic legislation on fishing or boating limits, with specific reference to the Italian law on the ratification of the United Nations Convention on the Law of the Sea.

54. Norway stated that access to fishery zones of foreign countries by vessels flying the flag of Norway was regulated by international agreements with such countries. Norwegian vessels could thus only fish in such areas upon the express consent of and under such terms as were laid down by host Governments. In the event of fishing activities by a Norwegian vessel contrary to those terms, Norwegian authorities were empowered to take action against such a vessel upon its return to port.

55. Finland said that Finnish vessels fished only in the Baltic Sea. Exploitation of fish resources in the Baltic Sea was based on precisely regulated fish stocks, quota exchanges, technical fishing regulations and fishing monitoring measures, which were governed by regulations issued by the European Union and by fishing agreements between Baltic States and the Union.

56. Spain reported that legislation in force since 1982 required Spanish vessels fishing on the high seas and in zones under the national jurisdiction of other States to carry a special permit. Fishing activities on the high seas without the authorization of Spanish authorities, as well as fishing activities in zones under the national jurisdiction of other States without a permit, constituted an infringement of Spanish law. In addition, as a member of the European Community, Spain was bound to abide by European Community regulation 3317/94, which required fishing vessels operating in zones under the national jurisdiction of other States to have a 'fishing permit/agreement' (permis de

pêche - accord de pêche). 28/ It therefore concluded that it had sufficient control measures to prevent a vessel flying its flag to engage in unauthorized fishing in zones under the national jurisdiction of other States.

57. Kuwait stated that, in compliance with General Assembly resolution 49/116, it had adopted legislation that prohibited vessels flying its flag to fish in areas under the national jurisdiction of other States unless duly authorized by the competent authorities of those States.

58. Tunisia indicated that the majority of its fleets fished in its internal waters, territorial sea and protected areas. Those which were engaged in fishery beyond those areas operated in zones situated within the limits of its continental shelf, and few units fished in other areas of the high seas beyond those limits.

59. The United States stressed the view that States had an obligation under international law, as reflected in the United Nations Convention on the Law of the Sea, to take measures to prevent fishing vessels entitled to fly their national flag from fishing in zones under the national jurisdiction of other States unless duly authorized to do so, and to ensure that such fishing was in accordance with applicable laws and regulations. Article 56(1) of the Convention provided that coastal States had sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, within their respective zones of national jurisdiction. Furthermore, article 62(4) of the Convention provided that nationals of other States fishing in the exclusive economic zone should comply with the conservation measures and with the terms and conditions established in the laws and regulations of the coastal State.

60. The United States had long acted to prevent unauthorized fishing in zones under the national jurisdiction of other States by vessels entitled to fly its flag. The oldest and broadest instrument available to the United States to implement this objective was the Lacey Act amendments of 1981. Originally enacted in 1900, a violation of the Lacey Act was dependent upon a separate violation of an underlying state, foreign, federal or Indian tribal law. It was one of the United States' primary laws directly targeting illicit interstate or foreign commerce in illegally taken fish, wildlife and plant species. Under the Lacey Act, it was unlawful for any person or other entity subject to the jurisdiction of the United States to import, export, transport, sell, receive, acquire or purchase (or attempt to commit any of these acts) in interstate or foreign commerce, any fish or wildlife taken, possessed, transported, or sold in violation of any law or regulation of any state of the United States or in violation of any foreign law. In addition, the Lacey Act provided that within the special maritime and territorial jurisdiction of the United States, it was unlawful for any person to possess any fish taken, possessed, transported or sold (or attempt to commit any of these acts) in violation of any law or regulation of any state of the United States or in violation of any foreign law. Enforcement of the Lacey Act was supported by both civil and criminal penalties.

61. Furthermore, the United States was party to a variety of international agreements that further prohibited its nationals and vessels from engaging in unauthorized fishing in certain areas under the fisheries jurisdiction of other

States. Several such agreements had been concluded with the Governments of Colombia, the United Kingdom of Great Britain and Northern Ireland, the Russian Federation, Canada and numerous Governments in the South Pacific Ocean. The Lacey Act and the treaties and agreements mentioned above had worked well to promote bilateral and multilateral cooperation. Those measures had contributed significantly to supporting the conservation of fisheries resources within zones under national jurisdiction. Ensuring full implementation of resolution 50/25 by the United States, however, was limited by several problems. Firstly, detection of any alleged illegal fishing activity within zones of national jurisdiction depended largely on the enforcement capability of the coastal State. The fishery enforcement capability of many coastal States, however (and especially among developing States with large national zones), was frequently limited because of inadequate resources. Secondly, prosecution under the Lacey Act was dependent upon a separate violation of an underlying foreign or federal law. Such prosecutions could involve difficult evidentiary issues, for example proving that a United States flag fishing vessel had violated a law or a regulation of a foreign country. Thirdly, effective prosecutions under the Lacey Act and in accordance with other international agreements and treaties required strong cooperation between United States and foreign officials. Such cooperation might not always be forthcoming. Fourthly, prosecuting violations of unauthorized fishing activities which occurred within the jurisdiction of a foreign country was expensive, involving, for example, the expense of providing transportation to witnesses. The United States had defrayed the costs of litigating violations of its fisheries law and regulations through a fund which consisted of monies collected through fines, penalties and forfeitures. Despite those difficulties, it was committed to fulfilling its responsibilities as a flag State and believed it had achieved much to prevent unauthorized fishing in zones under the national jurisdiction of other States by fishing vessels flying its flag.

62. In addition to the above, the United States indicated that it had prohibited unauthorized fishing by fishing vessels from foreign countries within its own zone of national jurisdiction. The Magnuson Act stated that no foreign fishing was authorized within the exclusive economic zone of the United States unless authorized and conducted under and in accordance with a valid and applicable permit. Such permits could only be issued if the relevant foreign country had concluded an international fishing agreement with the United States. Such agreements acknowledged the exclusive fishery management authority of the United States, required foreign nations and the owner or operator of any foreign fishing vessel to abide by all its regulations and provided for enforcement of its fisheries law and regulations. Foreign fishing activities within its exclusive economic zone were monitored and enforced by the Coast Guard and the National Marine Fisheries Service. The United States attached extreme importance to compliance with resolutions 49/116 and 50/25 and encouraged all flag States of the international community to take measures to prevent fishing vessels entitled to fly their national flag from fishing in zones under the national jurisdiction of other States unless duly authorized and to ensure that such fishing operations were conducted in accordance with the conditions set out in such authorizations.

B. Information provided by specialized agencies of the United Nations

63. FAO reported that its Fisheries Department did not maintain specific records concerning the incidence of unauthorized fishing in zones of national jurisdiction. At meetings and consultations convened by FAO, the matter was often commented upon by members in their statements. However, in the current reporting period there had been no FAO meetings or consultations at which such reports had been made. Nonetheless FFA had reported that in the South Pacific, there had been a number of incidents of unauthorized fishing in zones of national jurisdiction in the 1995/96 period. One Japanese vessel was reported to have been fishing without a licence in the exclusive economic zone of Papua New Guinea; three vessels of the Republic of Korea were reported to be fishing without licences in the exclusive economic zone of Papua New Guinea, the Federated States of Micronesia and Solomon Islands; and two vessels from Taiwan, Province of China, were fishing without a licence in the exclusive economic zones of Papua New Guinea and the Federated States of Micronesia. FFA had reported that some of those violations had been settled with the owners of the vessels concerned.

64. In addition, FAO's Regional Fishery Office for the Near East had reported that unauthorized fishing in the zones of national jurisdiction had taken place in the reporting period in the Red Sea area, and in particular involving Egyptian flag trawlers fishing unauthorized in waters of Yemen. Action to address the situation had been taken by the Governments concerned. Egyptian flag trawlers had also made incursions into Eritrean waters and Governments were negotiating arrangements to solve the problem. In the case of Somalia, owing to the political situation in that country it was believed that a significant amount of unauthorized fishing had taken place. However, factions in Somalia had agreed to issue fishing licences in their respective areas of control to foreign fleets in return for commissions based on catch.

C. Information provided by regional and subregional fisheries organizations and arrangements

65. APFIC indicated that there was still some unauthorized fishing in the exclusive economic zones of coastal States in Asia. The situation was being improved through bilateral arrangements for joint ventures and monitoring, control and surveillance among the countries concerned.

IV. FISHERIES BY-CATCH AND DISCARDS AND THEIR IMPACT ON THE SUSTAINABLE USE OF THE WORLD'S LIVING MARINE RESOURCES

A. Information provided by States

66. In its reply to the Secretary-General, Canada provided the following information:

'(a) Pacific groundfish fishery

'Trawl fishing in Canada's Pacific groundfish fishery is generally non-selective and by-catches can be significant. The three principal types of by-catches are: (a) species which the fisher is not licensed to catch; (b) species which are protected because of low abundance; and (c) species that are unwanted in the market place.

'Starting in 1996, most vessels in the Canadian trawl fleet were required to carry observers certified by the Department of Fisheries and Oceans while fishing. Fishing logbooks and all landings continue to be fully monitored. These measures are providing reliable estimates of the catches and their disposition.

'On-vessel observers also make it practical to manage the fishery by allocating catch and by-catch quotas to each vessel. Managing the fishery with individual vessel quotas helps ensure that the overall harvests remain within the total allowable catches (TAC) set for the various species. The quotas are set, by species, for two or more fishing periods in the year (known as 'period limits'). Fishers are permitted to average their catches over the fishing periods, thereby reducing the need to discard fish caught in excess of a fishing-period quota. Any landings that cannot be averaged within allotted quotas are relinquished by the fisher. Vessels exceeding by-catch quotas not only relinquish the excess by-catch but also have their fishing privileges restricted or withdrawn.

'In addition, there are halibut by-catch limits established for major groundfish fishing areas. The areas are closed to trawl fishing when an area halibut by-catch limit is reached.

'(b) Halibut by-catch

'In 1989, the Pacific halibut by-catches occurring in the Canadian and the United States groundfish trawl fisheries became a focus for action by fishery managers and fishers of both countries. (The halibut resource is a single stock extending from the Bering Sea southward to the states of Washington and Oregon in the United States, and supports valuable fisheries.)

'In 1991, the Governments of both countries undertook to reduce the by-catch mortalities significantly. Canada is committed to reducing the by-catch in the Canadian groundfish trawl fishery by 50 per cent by the end of 1997.

'(c) Atlantic groundfish fishery

'Canada has a mandatory landing requirement and discarding is not permitted. Minimum mesh sizes are sufficiently large to reduce the amount of undersized fish caught. As Canada does not have a market for small fish and fisheries can be closed should excessive amounts of small fish be caught, fishers ensure that the gear is used properly in order to reduce or

eliminate catches of unwanted fish. For other fisheries, such as shrimp, where groundfish by-catches are common and unwanted, fishers must install grates (i.e. Nordmore grate) to reduce or eliminate by-catches of groundfish."

67. Colombia reported that it took part in a programme implemented by the United States Fishing and Wildlife Service for the prevention of by-catches of turtles during industrial shrimp fisheries by trawling, and had therefore made compulsory the use of turtle-excluding devices aboard vessels fishing for shrimp in the Caribbean and the Pacific.

68. Qatar stated that in order to reduce by-catches, fish discards and post-harvest losses, it had required the implementation of its laws and regulations regarding the conservation of fish stocks and the protection of the marine environment. These included the prohibition of the dredging practised by large fishing vessels; prohibition of fishing with nets made of nylon and three-walled trammel nets and a ban on the importation of such nets in view of the damage they caused to fish stocks; and control of fishing gear in use that had to meet legal specifications and sound fishing practices.

69. Maldives indicated that, as a traditional tuna fishing State, it had a highly developed and selective live bait and live tuna fishery that excluded the discard of by-catches.

70. Saudi Arabia reported that it had elaborated rules and regulations to reduce by-catches, fish discards and post-harvest losses and protect fish stocks from abusive fishing practices. It had also undertaken studies and was being kept informed of recent international research on selective types of trawl nets that did not capture young fish. In addition, Saudi Arabia has established rules and specifications for fishing gear allowed to be used in areas under its jurisdiction in order to reduce by-catches, fish discards and post-harvest losses.

71. Italy informed the Secretary-General that a draft regulation of the European Union was being prepared on the use of appropriate equipment according to the type of fish. Once approved, the regulation would enter into force in the internal legal system of Italy.

72. Mauritius indicated that no discards were obtained from its artisanal and bank fisheries. It added that for tuna fishery, the volume of by-catches was very small and that fish caught as by-catches were used for the production of pet foods and fish meal.

73. Norway stated that a comprehensive ban was in place against the discarding of fish in waters under its fisheries jurisdiction. Strict by-catch regulations were in force, stipulating maximum legal by-catch levels in different fisheries and a requirement for vessels to leave a given fishing area when permissible by-catch levels were being exceeded.

74. Finland indicated that it had complied with the regulations of the European Union on the issue, which were themselves based on the recommendations of the International Baltic Fisheries Commission. It also said that the quantities of

by-catches and fish discards and other fishing drawbacks in the Baltic area were minor because fisheries were quite selective and affected very few species. Furthermore, fishing technology was specialized and highly advanced.

75. Morocco stated that, in accordance with Royal Decree No. 1-73-255 of 23 November 1973 regulating marine fisheries activities, it was mandatory for fishermen to return immediately at sea any fish that had not reached commercial size. In addition, an executive order dated 3 October 1988 had established a minimal commercial size for various fish species caught in areas under the national jurisdiction of Morocco.

76. Spain said that, as a member of the European Community, it had complied with conservation and management measures of marine living resources established by the Community. It also expressed the view that the use of selective fishing gear was the appropriate way to avoid the capture of non-target species. It further indicated that Spanish vessels were largely equipped with traditional fishing gear that kept incidental catches at the lowest level. It added that there were proposals within the Common Fisheries Policy of the Community to improve the selectivity of authorized gear.

77. Kuwait informed the Secretary-General that it had adopted important fisheries policies that were aimed at developing its fish stocks and reducing fish discards and by-catches. Measures included the prohibition of dragnets used to catch cetaceans and the restriction of dragnets used for shrimp fishing; ongoing evaluation of nets used to catch shrimp and cetaceans with a view to preventing by-catches and discards; technical improvement of nets; and the prohibition of unauthorized fishing by any vessel as well as the placing of appropriate markers on all authorized vessels that would indicate the types of fisheries they could undertake.

78. Tunisia stated that it had recently adopted technical provisions aimed at reducing undersized catches, including provisions regulating the technical characteristics of nets and fishing gear, sizes of catches, areas of fishing activities and fishing seasons.

79. South Africa expressed its concern about the heavy wastage of fisheries resources resulting from the discarding of unwanted catches at sea. It was of the view that those practices had a direct and negative impact on the resource, on the environment and on the availability of fish for consumption. South Africa indicated that it was participating in an FAO review of the estimates of wastage in the South-East Atlantic region as part of the organization's revision of estimates on wastage. It further indicated that discarding unwanted catch was illegal under the terms of South African fisheries legislation.

80. The United States stated that it had undertaken important steps to reduce fish discards and by-catch in domestic and international fisheries. The National Marine Fisheries Service had established a by-catch team to develop a long-term strategic plan that prioritized by-catch research, management and education needs. The by-catch plan was expected to be implemented in spring 1997, and included both straddling and highly migratory fish stocks, and organisms subject to capture in pelagic nets, as well as all other fisheries stocks subject to federal management. A major component of the plan was a

comprehensive description of the status of information on by-catch for each United States fishery resource. In addition, the Service was incorporating measures to reduce by-catch associated with fisheries for Atlantic highly migratory species into the fisheries management plan for those species. The fishery management plan was expected to be ready in late 1997.

81. It further indicated that it was actively involved in efforts to reduce by-catch and fish discards in international fisheries through international treaties and domestic legislation. Those efforts included measures to reduce dolphin mortality in the Eastern Pacific tuna fishery, the incidental mortality of sea turtles in commercial shrimp fisheries throughout the world and efforts to enforce the worldwide ban on drift-nets. It was also party to several international agreements that contained provisions on by-catch and discards, including the Convention on the Conservation and Management of Pollock in the Central Bering Sea, the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean and the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and the Bering Sea.

82. It added that the United States interpreted the term post-harvest losses, as defined in the FAO Code of Conduct for Responsible Fisheries, to mean waste, unutilized or underutilized catch or losses from protected resources (marine mammals, sea turtles and such fishes as salmon and sturgeon) resulting from interactions with fishing operations. Post-harvest losses, including issues of required by-catch utilization and other management measures to reduce wastage (e.g., closed seasons/closed areas and incentive programmes), constituted areas currently under policy review. It was not anticipated that national policies to address post-harvest losses would be proposed until certain social and economic information was collected and analysed. As data increasingly demonstrated, fish losses from the above sources were significant and could undermine conservation efforts. The United States Congress was currently considering amendments to the Magnuson Act which would include measures to address by-catch, discards and post-harvest loss. Reauthorization of the Act would form the basis for additional efforts in these areas.

B. Information provided by specialized agencies of the United Nations

83. In its reply to the Secretary-General, FAO provided the following report:

> "The need to minimize by-catch and discards in industrial fisheries has become a major issue since the combined effect of these practices could threaten the long-term sustainability of fisheries and the maintenance of biodiversity. Moreover, the international focus on by-catch and discards reflects the concern that fisheries resources are not being utilized efficiently and production is not supporting food security to the extent possible.
>
> "As a follow-up to work already supported by FAO on the by-catch and discard issue, the Fisheries Department is collecting additional data from different parts of the world and from different types of fisheries. The matter will be further discussed at an Expert Consultation on the subject

organized by the Government of Japan, in close consultation with FAO, in October 1996. The outcome of the Expert Consultation will be reported to the twenty-second session of the Committee of Fisheries in March 1997.

"Other initiatives on by-catch and discards are being initiated at the national and regional levels. Some States, including Iceland, New Zealand and Norway, for example, already have policies in place to prohibit or limit discarding the unwanted part of the catch at sea. Other countries are expected to enact similar policies. In addition, several subregional and regional fisheries organizations have commenced or strengthened programmes aimed at securing enhanced information concerning the scope and extent of by-catch and discards, and of refining assessments relating to their impact.

"APFIC is actively encouraging its members, through appropriate national institutes, to initiate assessments on the by-catch and discards issue. Thailand has already completed such a study. A regional review of by-catch and discard is being undertaken, on behalf of FAO and APFIC, by the Fisheries Research Institute, in Penang, Malaysia. APFIC anticipates being able to compile a series of studies and a statement so that an up-to-date evaluation of the issue in the APFIC area can be made.

"I-ATTC has a comprehensive observer programme, in place since 1972, which has sampled tuna purse seiners operating in the eastern tropical Pacific Ocean. The programme is designed to make observations on incidental capture and mortality of dolphins in the fishery. Since 1988, observers have collected information on the by-catch of other living marine resources on an ad hoc basis and, in 1993, the I-ATTC members and other cooperating countries whose vessels exploit the fishery instituted a regular programme which records all by-catch species taken by large purse seiners in the eastern Pacific. The Commission's 1995 annual report will provide data showing discards by species and methods of capture for the years 1992 to 1995.

"The South Pacific Commission (SPC) is currently involved in the collection by its observers of by-catch and discard information from vessels operating in the South Pacific region. It is also involved in the coordination of national observer programmes and the sampling of vessels in ports. Information relating to by-catch and discards in the South Pacific is published in the Commission's tuna technical reports.

"CCAMLR has adopted Conservation Measure 29/XIV concerning Minimization of the Incidental Mortality of Seabirds in the Course of Longline Fishing or Longline Fishing Research in the Convention area, which has been in force (with several amendments) since the 1993/94 fishing season. In 1995, CCAMLR initiated an exchange of information with a number of international organizations, including the United Nations and FAO, in relation to incidental mortality of seabirds caused by fishing activities. This was to make known CCAMLR's experience in applying mitigating techniques and in formulating conservation measures, and to be informed of the steps other organizations had taken, or were studying, to address the issue of incidental mortality of seabirds associated with fisheries,

especially longline fisheries. This is a matter of continuing concern to CCAMLR and is an ongoing subject for discussion and review at CCAMLR meetings.'

C. Information provided by regional and subregional fisheries organizations and arrangements

84. I-ATTC informed the Secretary-General that it had an observer programme which had sampled tuna purse seiners fishing in the eastern Pacific Ocean to make observations on incidental capture and mortality of dolphins in the fishery since 1972. Observers had collected information on the by-catch of other marine resources since 1988 on an ad hoc basis, and in 1993, I-ATTC members and other cooperating countries whose vessels exploited the fishery had instituted a regular programme which recorded all by-catch species taken by large tuna purse seiners in the eastern Pacific. In addition, in the Declaration of Panama, the members of I-ATTC and other countries whose vessels were involved in the fishery, expressed their commitment 'to the assessment of the catch and by-catch of small yellowfin tuna and other stocks of living marine resources related to the tuna fishery in the eastern Pacific Ocean and the establishment of measures to, inter alia, avoid, reduce and minimize the by-catch of juvenile yellowfin tuna and the by-catch of non-target species, in order to ensure the long-term sustainability of all these species, taking into account consideration of the interrelationship among species in the ecosystem.'

85. The South Pacific Commission indicated that it was currently involved in the collection of by-catch and discards information from vessels fishing in the region through the South Pacific Regional Tuna Resource Assessment and Monitoring Project which was funded by the European Union and implemented by SPC's Oceanic Fisheries Programme. The programme was also involved in the coordination of national observer programmes and the sampling of vessels in port. SPC was of the view that those activities were consistent with actions called for in paragraph 4 of resolution 50/25.

86. NEAFC expressed the view that the issues of by-catch, discards and post-harvest losses fell more to individual contracting parties than to NEAFC, which, given its management responsibilities, had not so far had to address those problems.

87. NAFO indicated that it had taken measures to reduce by-catch in the regulatory area and in particular redfish by-catch in the Flemish Cap shrimp fishery. It added that the NAFO Fisheries Commission and scientists would hold a workshop on fish discards in September 1996.

88. APFIC informed the Secretary-General that it encouraged studies on by-catch and discards by national institutes of member States. It also indicated that a regional review of the issue in South-East Asia was being conducted by FAO.

D. Information provided by non-governmental organizations

89. The World Wide Fund for Nature (WWF) 29/ expressed deep concern about the last-minute weakening of the text of article 5 (f) of the 1995 Agreement for the conservation and management of straddling fish stocks and highly migratory fish stocks at the final session of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks. It also said that destructive fishing techniques used in many regions of the world included bottom trawling, long-lining, poison and explosives. It indicated that a recent WWF Australia study had found that longliners fishing for tuna in the Southern Ocean were responsible for killing 44,000 albatrosses and other seabirds annually. WWF believed that Governments ought to demonstrate their commitment to sustainable fisheries conservation and management by making full and unreserved implementation of article 5 (f) of the 1995 Agreement a priority. It also indicated that effective by-catch reduction devices should be used more widely and that incentives such as by-catch quotas should be put in place to encourage the use of the least destructive fishing gear and practices. It stressed that when implementing programmes to reduce waste by allowing landing of by-catch, extreme caution should be used to ensure that such programmes did not impede by-catch reduction efforts. It added that reduction of waste should go hand-in-hand with the elimination of by-catch.

90. WWF finally believed that the General Assembly should seriously consider the enormous destruction and waste of marine life by commercial fishing and how best to ensure rapid progress towards reduction of by-catch and waste in commercial fisheries worldwide, using the framework provided by the 1995 Agreement.

Notes

1/ In resolution 46/215, the General Assembly called, inter alia, for full implementation of a global moratorium on all large-scale pelagic drift-net fishing on the high seas.

2/ All the comments and views expressed by Colombia summarized in this document are contained in two notes verbales from the Permanent Mission of Colombia to the United Nations dated 10 June and 9 July 1996, respectively.

3/ All the comments and views expressed by Qatar summarized in this document are contained in an information note attached to a note verbale from the Permanent Mission of the State of Qatar to the United Nations dated 10 June 1996.

4/ All the comments and views expressed by Maldives summarized in this document are contained in a note verbale from the Permanent Mission of the Republic of Maldives to the United Nations dated 18 June 1996.

5/ All the comments and views expressed by Saudi Arabia summarized in this document are contained in a note verbale from the Permanent Mission of Saudi Arabia to the United Nations dated 21 June 1996.

6/ All the comments and views expressed by Italy summarized in this document are contained in a note verbale from the Permanent Mission of Italy to the United Nations dated 28 June 1996.

7/ All the comments and views expressed by New Zealand summarized in this document are contained in a note verbale from the Permanent Mission of New Zealand to the United Nations dated 28 June 1996.

8/ All the comments and views expressed by Mauritius summarized in this document are contained in a note verbale from the Permanent Mission of Mauritius to the United Nations dated 2 July 1996.

9/ All the comments and views expressed by Norway summarized in this document are contained in an annex to a note verbale from the Permanent Mission of Norway to the United Nations dated 2 July 1996.

10/ All the comments and views expressed by Morocco summarized in this document are contained in a note verbale from the Permanent Mission of the Kingdom of Morocco to the United Nations dated 10 July 1996.

11/ All the comments and views expressed by Spain summarized in this document are contained in an annex to a note verbale from the Permanent Mission of Spain to the United Nations dated 10 July 1996.

12/ All the comments and views expressed by Kuwait summarized in this document are contained in an annex to a note verbale from the Permanent Mission of the State of Kuwait to the United Nations dated 22 July 1996.

13/ All the comments and views expressed by Tunisia summarized in this document are contained in a note verbale from the Permanent Mission of Tunisia to the United Nations dated 25 July 1996.

14/ All the comments and views expressed by South Africa summarized in this document are contained in an annex to a note verbale from the Permanent Mission of South Africa to the United Nations dated 29 July 1996.

15/ All the comments and views expressed by the United States summarized in this document are contained in a report attached to a letter from the Permanent Representative of the United States of America to the United Nations dated 7 August 1996.

16/ All the comments and views expressed by FAO reproduced in this document are contained in a report attached to a letter from the Fisheries Department of FAO dated 19 July 1996.

17/ All the comments and views expressed by the Federation of Japan Tuna Fisheries Cooperative Associations summarized in this document are contained in a letter from its Managing Director dated 28 June 1996.

18/ Proceedings of the Fourteenth Regular Meeting of ICCAT, Madrid, Spain, 10-17 November 1995, Item 11, large-scale drift-net fishing and its effects on tuna stocks, paras. 11.2-11.6.

19/ All the comments and views expressed by the North-East Atlantic Fisheries Commission summarized in this document are contained in a letter from the NEAFC Secretary dated 11 June 1996.

20/ All the comments and views expressed by the Northwest Atlantic Fisheries Organization summarized in this document are contained in an information paper annexed to a letter from the NAFO Executive Secretary dated 18 June 1996.

21/ All the comments and views expressed by the North Atlantic Salmon Conservation Organization summarized in this document are contained in a letter from the NASCO Secretary dated 22 July 1996.

22/ All the comments and views expressed by Greenpeace International summarized in this document are contained in a letter from Greenpeace Fisheries campaign dated 1 July 1996.

23/ All the comments and views expressed by Finland summarized in this document are contained in a note attached to notes verbales from the Permanent Mission of Finland to the United Nations dated 3 July and 18 September 1996, respectively.

24/ All the comments and views expressed by the Asia-Pacific Fishery Commission summarized in this document are contained in a letter from the APFIC Regional Office for Asia and the Pacific dated 24 June 1996.

25/ All the comments and views expressed by Morocco summarized in this document are contained in a note verbale from the Permanent Mission of the Kingdom of Morocco to the United Nations dated 10 July 1996.

26/ All the comments and views expressed by Canada summarized in this document are contained in a report attached to a note verbale from the Permanent Mission of Canada to the United Nations dated 28 June 1996.

27/ All the comments and views expressed by South Pacific Commission summarized in this document are contained in a letter from the SPC Secretary-General dated 28 June 1996

28/ A "fishing permit/agreement" means an authorization to fish, in any form, issued to a fishing vessel from the Community by the flag State member, within the framework of a fishing agreement between the Community and a third State in addition to the fishing licence issued by the third State concerned (Regulation 3317/94, art. 2 (b)).

29/ All the comments and views expressed by the World Wide Fund for Nature summarized in this document are contained in a letter from the WWF International Treaties Coordinator dated 5 July 1996.